

# **Exhibit E**

## **DEFENDANTS' ADOPTED AMAZON CONSTRUCTIONS AND SUPPORT**

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**Exhibit 3 – Defendants’ Preliminary Claim Construction Chart**

**For U.S. Patent No. 5,715,314 (“the ‘314 Patent”), U.S. Patent No. 5,909,492 (“the ‘492 Patent”), and U.S. Patent No. 7,272,639 (“the ‘639 Patent”) Adopting Claim Construction Positions Taken by Defendants’ in *Soverain v. Amazon*<sup>1</sup>**

No.	Claims	Term	Defendants’ Construction	Support for Construction
1	34, 39 (‘314) 17, 18, 35, 36 (‘492)	shopping cart database	A single database (not a collection of databases) containing shopping cart records.	<p>Intrinsic Evidence</p> <ul style="list-style-type: none"> <li>a. ‘314 Patent, col. 2, lines 19-42</li> <li>b. ‘314 patent, col. 3, lines 59-60</li> <li>c. ‘314 patent, col. 4, lines 35-45</li> <li>d. ‘314 Patent, col. 5, lines 5-15</li> <li>e. ‘314 Patent, col. 7 line 55 – col. 8, line 2</li> <li>f. ‘314 patent, Fig. 1</li> <li>g. ‘314 patent prosecution history: 9/19/96 Office Action, at 2</li> <li>h. ‘314 patent prosecution history: 12/19/96 Amendment, at 2-4</li> </ul> <p>Extrinsic Evidence</p> <ul style="list-style-type: none"> <li>i. Taylor Dec. p. 29, ¶¶ 107-110</li> </ul>
2	34, 36, 39 (‘314) 17, 18, 35, 36 (‘492)	shopping cart	A database record containing data that identifies multiple products that have been selected by a customer.	<p>Intrinsic Evidence</p> <ul style="list-style-type: none"> <li>a. ‘314 Patent, col. 2 lines 19-42</li> <li>b. ‘314 Patent, col. 5, lines 5-18</li> <li>c. ‘314 Patent, col. 7, line 55 – col. 8, line 32</li> <li>d. ‘314 patent prosecution history: 9/19/96 Office Action, at 2</li> <li>e. ‘314 patent prosecution history: 12/19/96 Amendment, at 2-4</li> </ul> <p>Extrinsic Evidence</p>

<sup>1</sup> Nothing in this Defendants’ Preliminary Claim Construction Chart should be construed as a waiver of Defendants’ invalidity defenses under 35 U.S.C. §112. Defendants expressly preserve their rights to continue to pursue their invalidity defenses under 35 U.S.C. §112 subsequent to the Court’s Claim Construction.

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No.	Claims	Term	Defendants' Construction	Support for Construction
				f. Taylor Dec. p. 30, ¶¶ 111-114
3	34, 36, 39 ('314) 17, 18, 35, 36 ('492)	Plurality of products added to . . . shopping cart / [Add a] plurality of respective products to a shopping cart	All products previously added to the shopping cart upon the request of the buyer, whether or not later deleted from the shopping cart.	Intrinsic Evidence a. '314 patent, col. 2, lines 25-42 b. '314 patent, col. 7, lines 55-59 c. '314 patent, col. 8, lines 14-32
4	1, 10, 60, 65, 78, 79 ('639)	service request	An HTTP request message as defined by the HTTP method as it existed on June 7, 1995.	Intrinsic Evidence a. '780 patent <sup>2</sup> , col. 1, lines 50-67 b. '780 patent, col. 2, lines 1-42 c. '780 patent, col. 3, lines 9-11 d. '780 patent, col. 5, lines 18-33 e. '314 patent, col. 9, lines 51-63 (purportedly incorporated by reference) f. '314 patent, col. 10, lines 14-16 Extrinsic Evidence g. Taylor Dec. p. 18, ¶¶ 67-70, Ex. 7
5	1, 10, 60, 65, 78, 79 ('639)	Session identifier	A value with multiple fields whose cryptographic authentication indicates to an access-controlling server that the client identified in the session identifier is authorized to	Intrinsic Evidence a. '780 patent, col. 3, lines 28-31 b. '780 patent, col. 3, lines 11-16 c. '780 patent, col. 3, lines 18-20 d. '780 patent, col. 3, lines 32-36

<sup>2</sup> U.S. Patent No. 5,708,780 ("the '780 Patent) is a parent of the '639 Patent.

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No.	Claims	Term	Defendants' Construction	Support for Construction
			access the requested file.	<p>e. '780 patent, col. 4, lines 28-28  f. '780 patent, col. 5, lines 52-61  g. '780 patent, col. 5, lines 61-65  h. '780 patent, col. 5, line 66 – col. 6, line 4  i. '780 patent, col. 8, lines 1-7  j. '780 patent, cols. 15-16, 17-18, 27-28, 37-38, 41-42, 43-44, 53-54, 57-58, 91-92 (source code)  k. '780 patent prosecution history: 12/18/96 Office Action, at 5, 10  l. U.S. Patent No. 5,560,008, col. 5, line 48 – col. 6, line 4 (cited prior art)  Extrinsic Evidence  m. Pl. Ex. P:  <a href="http://www.bbn.com/glossary/s.html">http://www.bbn.com/glossary/s.html</a>  n. Taylor Dec. p. 11, ¶¶ 37, 43-46</p>
6	34, 35, 39, 49, 74, 84, 109, 134, 144('314)  17, 18, 35, 36 ('492)	shopping cart computer <sup>3</sup>	A single computer (not a collection of computers), separate from a computer providing product descriptions to a user.	<p>Intrinsic Evidence  a. '314 Patent, Abstract  b. '314 Patent, col. 1, lines 18-47  c. '314 Patent, col. 1, line 50 – col. 2, line 42  d. '314 Patent, col. 3, lines 38-55  e. '314 Patent, col. 4, lines 35-45  f. '314 Patent, col. 5, lines 5-15  g. '314 Patent, col. 5, line 26 – col. 9, line 39  h. '314 patent prosecution history: 9/19/96 Office Action, at 2  i. '314 patent prosecution history: 12/19/96 Amendment, at 2-4</p>

<sup>3</sup> This position is only taken by Defendant Newegg, Inc.

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